



Central Park MPD, Tract B
Administrative Amendment to Planned Development
Narrative of Request
ADD2024-00029 – Revised April 2024

Request Summary

The applicant is requesting an administrative amendment to the approved Central Park Mixed Use Planned Development (MPD) Tract B to update the Master Concept Plan (MCP), conditions of approval, and deviations to reflect the current multi-family development plan, apply Mixed Use Overlay incentives for infill development, and to reflect the DRI rescission.

No changes are proposed to the previously approved intensities. The previously approved multi-family layout consisted of 3 buildings with a maximum height of 100 and 120 feet and the proposed MCP includes 7 multi-family buildings and a clubhouse building with maximum heights of 55 and 45 feet. The request results in a reduction of allowable height for the previously approved multi-family uses.

A strike-through/underline version of the proposed revisions to the conditions of approval is included with this application, along with the revised MCP and schedule of deviations and justifications. Below is a brief summary of the revisions to the conditions from resolution Z-05-064:

1. Update to reference MCP from ADD2007-00167 for Tract A and the new proposed MCP for Tract B, update number of multi-family buildings, and remove reference to DRI since rescinded.
2. Update Site Development Regulations for Tract B to reflect Mixed Use Overlay incentives which only require a minimum lot width of 25 feet and a waterbody setback of 25 feet. Update maximum height for Tract B from 100/120 feet to 55 feet. Update MPD perimeter setback for Tract B as shown on MCP.
3. Update to reflect 30% open space for Tract A and 20% open space for Tract B to reflect Mixed Use Overlay and remove reference to DRI.
4. Delete condition 4 since no buffers required with Mixed Use Overlay and reduced building height.*
5. Update to reflect new MCP required if Tract B develops as commercial.
6. No change
7. Remove reference to retail commercial site location standards since no longer applicable.
8. No change
9. Deleted since height reduced and MCP updated.
10. No change
11. No change
12. Deleted since DRI rescinded.
13. Added condition 4 from ADD2007-00167.

Please note that ADD2007-00167 conditions 1 and 2 are incorporated in proposed condition 1 revisions attached. Condition 3 of ADD2007-00167 is no longer applicable since Mixed Use Overlay does not require buffers and condition 5 was revised per proposed condition 5 on attached. Please see attached schedule of deviations and justifications which provides minor updates to existing Deviations 1 and 5 and adds new Deviations 6 and 7. The provided proposed conditions are intended to supersede prior approvals.

*The deletion of condition 4 is appropriate and remains compatible with adjacent uses. The property was added to the Mixed Use Overlay after the original buffer condition was required. The Mixed Use Overlay requires different buffering requirements to encourage infill development such as that proposed. Buffers in the Mixed Use Overlay are only required when abutting rights-of-way or single-family residences. LDC Section 10-1 provides that Abutting means any property that is immediately adjacent to, or contiguous with, or that is located immediately across from any street, canal, easement or water body, not to exceed 25 feet from the other property. The nearest single-family residential lot is over 360± feet to the west so it is not abutting and is 10511 Six Mile Cypress Pkwy, Suite 101, Fort Myers, FL 33966

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separated by extensive storm drainage area. Additionally, the request is reducing maximum height from 100-120 feet to 45-55 feet. The proposed revisions will not adversely impact surrounding land uses.

Background and Approval History

The subject 6.44±-acre property is identified as Tract B of the 9.2± acre Central Park MPD which was approved by zoning resolution number Z-05-064, which approved a rezoning from Commercial Planned Development (CPD) to MPD and allowed a maximum of 58,200 square feet of commercial office uses and 166 multi-family residential units with a maximum height of 120 feet and included an amendment to the prior DRI. The DRI was rescinded by resolution number Z-22-038. The zoning was administratively amended by resolution number ADD2007-00167 which revised the MCP and adjusted buffers. Condition 5 of this ADD reiterated that multi-family uses were allowed on Tract B and that a revised MCP would be required to reflect the use when proposed. The property has an extensive zoning history dating back to 1985 which is outlined in detail in the first couple of pages of resolution number ADD2007-00167.

Tract A of the MPD was previously developed with office uses. The subject 6.44± acre parcel was added to the Mixed Use Overlay on August 21, 2020 by Ordinance 20-08. Development of the site is under concurrent development order review under case number DOS2023-00159 for development of 115 multi-family dwelling units with a clubhouse and associated infrastructure improvements.

The site lies within the Intensive Development future land use category, is located within the South Fort Myers Planning District and is not located in any community planning areas.

LDC Consistency/Minimal Modification

LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may administratively approve an amendment to a planned development in accord with Section 34-174. LDC Section 34-174(j)(2) provides that the Director must find the request complies with the following required findings/review criteria for an administrative amendment to a planned development located within the Mixed Use Overlay to facilitate redevelopment or infill development: a. Will allow for internal capture of vehicular trips; b. Will provide for connections to adjacent uses; c. Will allow for urban forms of development and a variety of uses; d. Will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; e. Will not decrease the amount of indigenous native vegetation or preservation area below the amount required by Code; f. Will not adversely impact surrounding land uses; and g. Is consistent with applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

Conclusions

The request is consistent with the administrative amendment requirements contained in LDC Section 34-174(j)(2). The request is to update the MCP, conditions and deviations to reflect the previously approved multi-family uses on Tract B, the site's inclusion in the Mixed-Use Overlay and the rescission of the DRI. The request will provide for previously approved multi-family immediately adjacent to commercial uses that provide employment and services, providing internal capture of vehicular trips. The proposed development interconnects with the existing adjacent commercial uses and connects to local roads that provide multiple interconnects to commercial development throughout this southwest quadrant of S. Tamiami Trail and Cypress Lake Drive. The requested revisions to the MCP, conditions and deviations allow for urban forms of development and will allow for previously approved residential adding to the variety of uses in the area. The requested revisions do not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The requested amendment will not decrease the amount of indigenous native vegetation or preservation area below the amount required by Code. The MCP demonstrates that the request provides above the minimum indigenous preservation requirement even without utilizing credits for the minimum size and dimensions provided. The request will not adversely impact surrounding land uses as

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the site is surrounded by commercial uses to the north, east and south and has an existing onsite drainage easement then extensive off-site easement separating properties adjacent to the west. The request is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request, together with approval of the existing deviations. The requested amendment is the minimum necessary to the already approved planned development to allow the project to proceed with development. The approved, amended and proposed deviations continue to enhance the achievement of the objectives of the planned development; and protect the public health, safety and welfare. The proposed modifications do not result in any change to the project's consistency with the Lee Plan and the LDC. For these reasons, the applicant respectfully submits that this administrative amendment request should be approved.